IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SHANNON D. BROWN, :

Plaintiff, :

v. : 3:16-CV-2528

(JUDGE MARIANI)

LACKAWANNA COUNTY, CITY OF SCRANTON, DETECTIVE THOMAS J.

DAVIS, DETECTIVE VINCENT R.

BUTKIEWICZ, PROBATION OFFICER

NINA GOMEZ,

Defendants.

ORDER

AND NOW, THIS ______DAY OF MARCH 2019, upon review of Magistrate

Judge Mehalchick's Report and Recommendation ("R&R") (Doc. 52) for clear error or

manifest injustice, for the reasons set forth in the R&R, IT IS HEREBY ORDERED THAT:

- 1. The R&R (Doc. 52) is NOT ADOPTED.
- 2. The Motion to Dismiss Plaintiff's Amended Complaint filed by Defendants Shane Scanlon, Thomas J. Davis, Vincent R. Butkiewicz and Lackawanna County (Doc. 37) is GRANTED IN PART AND DENIED in part as follows:
 - a. The motion is **GRANTED** to the extent that Defendant Lackawanna County is dismissed without prejudice and with leave to amend;

- b. The motion is **DENIED** as to all other Defendants and in all other respects.
- 3. Defendant Gomez's Motion to Dismiss Plaintiff's Amended Complaint Pursuant to F.R.C.P. 12(b)(6) (Doc. 38) is **DENIED.**
- 4. Plaintiff is granted sixty (60) days from the date of this Order to inform the Court whether she wishes the Court to appoint counsel or she wishes to proceed *pro* se.
- 5. After the filing of the election regarding counsel, the Court will establish the time within which Plaintiff will be allowed to file a second amended complaint.
- 6. The case is **REMANDED** to Magistrate Judge Mehalchick for further proceedings consistent with this Order and the simultaneously filed Memorandum.

Robert D. Mariani

United States District Judge